

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

MICHAEL E. SPREADBURY,

CV 11-64-M-DWM-JCL

Plaintiff,

vs.

ORDER, and
FINDINGS AND
RECOMMENDATIONS

BITTERROOT PUBLIC LIBRARY,
CITY OF HAMILTON,
LEE ENTERPRISES, INC.,
BOONE KARLBERG, P.C.,
DR. ROBERT BROPHY, TRISTA SMITH,
NANSU RODDY, JERRY STEELE,
STEVE SNAVELY, STEVEN BRUNER-MURPHY,
RYAN OSTER, KENNETH S. BELL, and JENNIFER LINT,

Defendants.

Before the Court is Defendant Lee Enterprises, Inc.'s motion to renew its previously filed Fed. R. Civ. P. 56 motion for summary judgment upon Plaintiff Michael Spreadbury's claims against it. The undersigned United States Magistrate Judge had entered Findings and Recommendations on November 30, 2011, recommending that the referenced summary judgment motion be granted in part, and denied in part. Dkt. 181. On December 12, 2011, Spreadbury filed objections to those Findings and Recommendations as permitted under 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2). Dkt. 188.

By Order entered December 13, 2011, however, this action was stayed as to Lee Enterprises by operation of 11 U.S.C. § 362 based on Lee Enterprises' bankruptcy proceedings. Consequently, the District Court declined to adopt the November 30, 2011 Findings and Recommendation "subject to reconsideration," and denied Lee Enterprises' summary judgment motion "subject to renewal" when the bankruptcy stay is lifted. Dkt. 193.

On January 30, 2012, Lee Enterprises filed a notice advising the Court that the bankruptcy stay has been lifted. Lee Enterprises now moves to renew its prior summary judgment motion.

Based on the foregoing, IT IS HEREBY ORDERED that Lee Enterprises' motion to renew is GRANTED, and its prior summary judgment motion (Dkt. 108) is RENEWED.

IT IS FURTHER RECOMMENDED that Lee Enterprises' renewed summary judgment motion be GRANTED in part, and DENIED in part for the reasons stated in the Court's Findings and Recommendations entered November 30, 2011. Dkt. 181.

DATED this 31st day of January, 2012.

/s/ Jeremiah C. Lynch
Jeremiah C. Lynch
United States Magistrate Judge